

APR 02 2015

JULIA C. DUDLEY, CLERK

BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION  
APRIL 2015 SESSION

UNITED STATES OF AMERICA	)	Criminal No. 7:15-CR-000 <u>22</u>
	)	
v.	)	
	)	In Violation of:
LLOYD DEAN SMITH	)	18 U.S.C. §§2252(a)(2); 2252(a)(4)(B);
	)	2252(b)(1); 2252(b)(2)

**INDICTMENT**

**COUNT ONE**

The Grand Jury charges that:

1. At a time or times not known to the grand jury, but on or before May 22, 2012, in the Western Judicial District of Virginia and elsewhere, the defendant, **LLOYD DEAN SMITH**, did knowingly receive or attempt to receive one or more visual depictions using a means or facility of interstate or foreign commerce, or that had been shipped or transported in or affecting interstate or foreign commerce, or which contained materials that had been so shipped or transported, by any means including by computer, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct (as defined in 18 U.S.C. § 2256(2)), and which visual depictions were of such conduct.

2. In violation of Title 18, United States Code, Sections 2252(a)(2)  
2252(b)(1).

## **COUNT TWO**

The Grand Jury charges that:

1. On or about May 22, 2012, in the Western Judicial District of Virginia, the defendant, LLOYD DEAN SMITH, did knowingly possess and attempt to possess one or more matters which contained a visual depiction that had been shipped or transported using any means or facility of interstate or foreign commerce, or that had been shipped or transported in or affecting interstate or foreign commerce, or which were produced using materials that had been so shipped or transported by any means, including a computer, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct (as defined in 18 U.S.C § 2256(2)), and such depictions being of such conduct.

2. In violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

## **NOTICE OF FORFEITURE**

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendant shall forfeit to the United States:

- a. any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, 2252A, 2252B or 2260, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of law, pursuant to 18 U.S.C. § 2253(a)(1).

- b. any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from said violation of law, pursuant to 18 U.S.C. § 2253(a)(2).
- c. any property, real or personal used or intended to be used to commit or to promote the commission of said violation of law, or any property traceable to such property, pursuant to 18 U.S.C. §2253(a)(3).

2. The property to be forfeited to the United States includes but is not limited to the following property:

a. **Money Judgment**

An undetermined sum of United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate was obtained directly or indirectly as a result of said offenses or is traceable to such property.

b. **Computer and/or Electronic Equipment**

- (1) Western Digital HD: b69108
- (2) Seagate HD: oa329ef3
- (3) Seagate HD: da8b7d

c. **All such material containing the above-described visual depictions.**


3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL, this 2 day of April, 2015.

s/ Grand Jury Foreperson  
FOREPERSON

  
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ANTHONY P. GIORNO  
ACTING UNITED STATES ATTORNEY